



February 1, 2017

SUBMITTED UNDER SEAL

By Hand and Email

Christy_carosella@nyed.uscourts.gov

The Honorable Dora L. Irizarry
Chief United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Joseph SanFilippo, Criminal Docket No. 16-640 (DLI)

Dear Chief Judge Irizarry:

We represent Joseph SanFilippo in this criminal action. We write in further opposition to the government's request, in a letter submitted to the Court on January 10, 2017, *see* Dkt. No. 56, to disqualify Kevin J. O'Brien, a partner of the firm, from representing Mr. SanFilippo. Our initial opposition was filed by letter dated January 11, 2017, *see* Dkt. No. 57. On January, 12, 2017, all parties appeared at a status conference and Your Honor scheduled a *Curcio* hearing for February 3, 2017.

We are requesting permission to submit the attached memorandum and declaration under seal. Because the government filed its January 10 letter under seal, we likewise seek the same treatment for the attached memorandum and declaration.

We appreciate Your Honor's consideration of this request.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "KJO'Brien", with a stylized flourish at the end.

cc: Winston Paes (via-email)
Benjamin Fischer, Esq. (via-email)
Jonathan Sack (via-email)